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NOV 13 2012

Board of Vocational Nursing
and Psychiatric Technicians

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7

8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN 2011-1677

12 **CALVIN WONG**
15358 San Bruno Drive
13 La Mirada, CA 90638

A C C U S A T I O N

14 Vocational Nurse License No. VN 249898

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs (Board).

22 2. On or about May 18, 2010, the Board issued Vocational Nurse License No. VN
23 249898 to Calvin Wong (Respondent). The Vocational Nurse License was in full force and effect
24 at all times relevant to the charges brought herein and will expire on July 31, 2013, unless
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four (4) years after the expiration.

5. Section 490 provides that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

6. Section 2875 provides that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

7. Section 2878 states, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.

....

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

....

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee. . . ."

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1 **REGULATORY PROVISION**

2 8. California Code of Regulations, title 16, section 2521 states, in pertinent part:

3 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
4 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
5 considered to be substantially related to the qualifications, functions or duties of a licensed
6 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
7 vocational nurse to perform the functions authorized by his license in a manner consistent with
8 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
9 involving the following:

10

11 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
12 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
13 Business and Professions Code. . . ."

14 **COST RECOVERY**

15 9. Section 125.3 provides that the Board may request the administrative law judge to
16 direct a licensee found to have committed a violation or violations of the licensing act to pay a
17 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of a Substantially Related Crimes)**

20 10. Respondent is subject to disciplinary action under sections 490 and 2878,
21 subdivision (f), in conjunction with California Code of Regulations, title 16, section 2521, in that
22 on or about August 8, 2011, Respondent was convicted of crimes substantially related to the
23 qualifications, functions or duties of a licensed vocational nurse which to a substantial degree
24 evidences his present or potential unfitness to perform the functions authorized by his license in a
25 manner consistent with the public health, safety, or welfare, as follows:

26 a. On or about August 3, 2011, after pleading guilty, Respondent was convicted of one
27 felony count of violating Penal Code section 368(d) [theft from elder, tow tit, P.C. 65 yrs of age
28 or older], one felony count of violating Penal Code section 487(a) [grand theft], one felony count

1 of violating Penal Code section 459-460(b) [second degree commercial burglary], and one count
2 of violating Penal Code section 470(d) [forgery] in the criminal proceeding entitled *The People of*
3 *the State of California v. Calvin Wong* (Super. Ct. Orange County, 2011, No. 11HF0806). The
4 Court sentenced Respondent to 90 days jail, placed him on three (3) years probation, ordered him
5 to pay restitution to the victim P.C. with 10% interest accruing, and ordered him to not work with
6 elders (65 years +) or dependent adults.

7 b. The circumstances underlying the conviction occurred on or about March 4, 2010.
8 While working for victim as a personal assistant, P.C., Respondent stole four (4) checks from
9 P.C. and then forged and cashed two (2) of the checks: check number 370 was cashed for
10 \$3,000.00 and check number 371 was cashed for \$3,500.00.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Dishonest Acts)**

13 11. Respondent is subject to disciplinary action under section 2878, subdivision (j), in
14 that on or about March 4, 2010, Respondent committed acts involving dishonesty which were
15 related to the duties and functions of a licensee. Complainant refers to and by this reference
16 incorporates the allegations set forth above in paragraph 10, subparagraphs a and b, inclusive, as
17 though set forth fully.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct / Violate Act)**

20 12. Respondent is subject to disciplinary action under sections 2878, subdivision (a) and /
21 or (d), in that in that Respondent committed acts of unprofessional conduct, and / or acts violating
22 the Vocational Nursing Practice Act. Complainant refers to and by this reference incorporates the
23 allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth fully.

24 **PRAYER**


25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board issue a decision:

27 1. Revoking or suspending Vocational Nurse License No. VN 249898, issued to Calvin
28 Wong;

1 2. Ordering Calvin Wong to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to section 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.
4

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6 DATED: **NOV 13 2012**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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